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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**BARBARA A. WILHELM,
Plaintiff**

v.

**COMMONWEALTH OF PA.;
PENNSYLVANIA STATE POLICE;
COLONEL PAUL J. EVANKO,
COMMISSIONER; LIEUTENANT
COLONEL THOMAS K. COURY; and
CAPTAIN MICHAEL. D. SIMMERS,
Defendants**

NO. 1:CV-01-1057

(JUDGE RAMBO)

HARRISBURG, PA

MAR 31 2003

MARY E. D'ANDREA, CLERK
Per 

**REPLY MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION
FOR INTEREST ON JURY VERDICT AND THIS COURT'S
AWARD OF FRONT PAY**

I. STATEMENT OF THE FACTS

On June 14, 2001, Barbara A. Wilhelm filed a complaint alleging she was dismissed in violation of Title VII of the Civil rights Act of 1964, as amended 42 U.S.C. § 2000 *et seq.* (Title VII), and the Pennsylvania Human Relations Act 43 Pa. C. S. § 955 (PHRA). On September 11, 2002, the jury found for Ms. Wilhelm and awarded her \$250,000.00. On February 5, 2003, this Court awarded Ms. Wilhelm an additional \$27,148.05 in front pay.

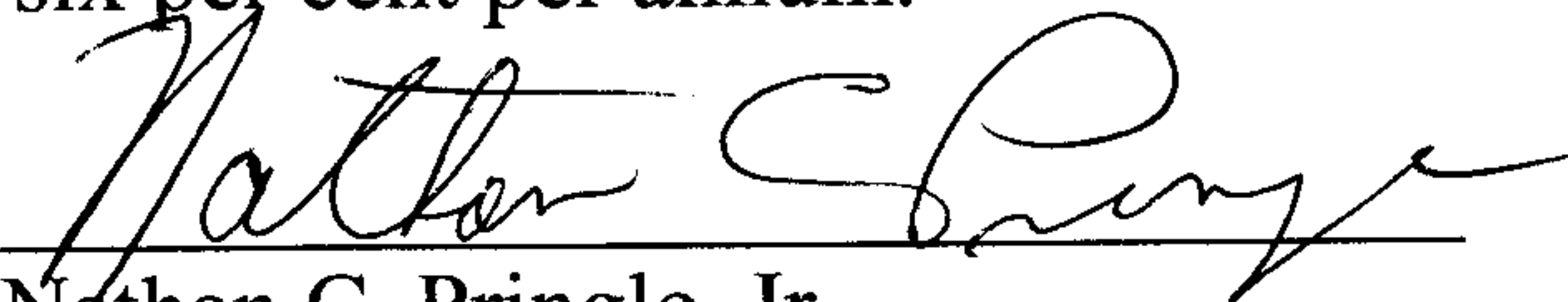
II. ARGUMENT

The Plaintiff here moves for interest on the monetary awards. The Defendants neither contest the entitlement to interest, nor the start date for the calculation of interest. Only the rate of interest is in controversy.

This Court accepted the Plaintiff's state claim of retaliation under PHRA pursuant to its supplemental jurisdiction under 28 U.S.C. § 1367. Since federal courts must apply state substantive law when exercising their supplemental jurisdiction, *Bouker v. CIGNA Corporation*, 847 F. Supp. 337, 338 (E.D. Pa. 1994), under Pennsylvania law the appropriate rate of interest is six per cent per annum for the PHRA claim. 41 P.S. § 202.

III. CONCLUSION

For the reasons set forth above, the Plaintiff urges this Honorable Court to grant her motion for interest on the jury verdict and this Court's award of front pay at the rate of six per cent per annum.

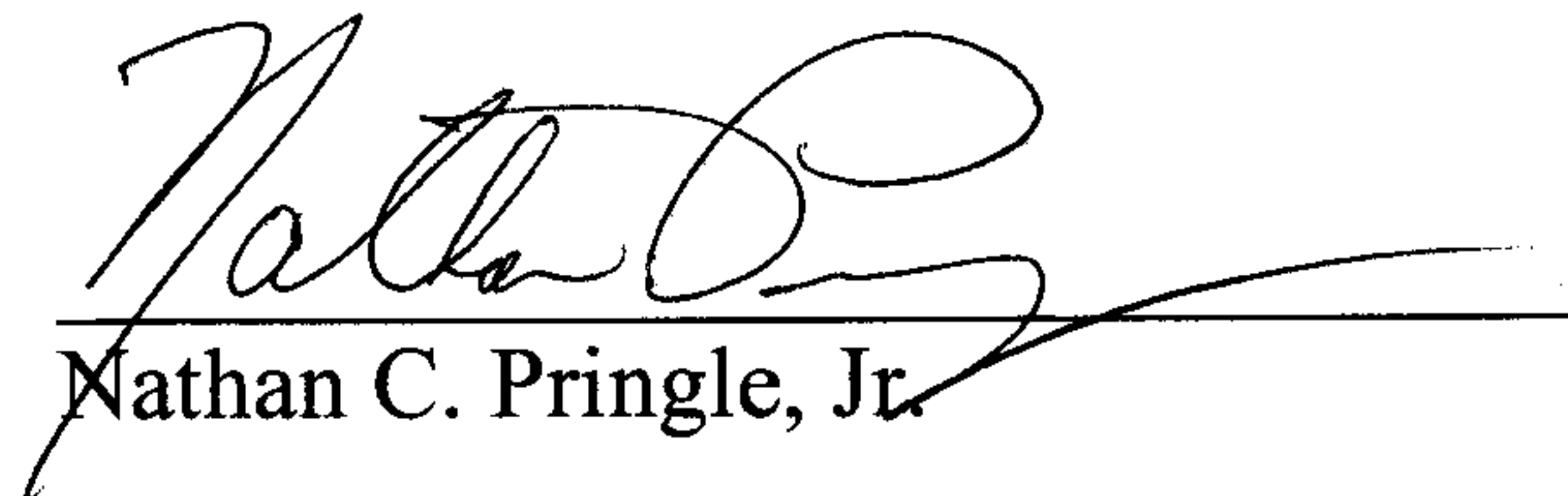

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(717) 909-8520
Attorney for Plaintiff

March 31, 2003

CERTIFICATE OF SERVICE

I, Nathan C. Pringle, Jr., hereby certify that on March 31, 2003, I caused to be delivered by first-class mail a copy of the Plaintiff's Reply Memorandum in Support of Motion for Interest on the Jury Verdict and This Court's Award of Front Pay upon the following:

Susan J. Forney
Chief Deputy Attorney General
Office of Attorney General
Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17120



Nathan C. Pringle, Jr.